

Annually
(Amp)

FREEDOM OF INFORMATION ACT
ANNUAL REPORT TO THE CONGRESS FOR THE YEAR 1986

1. Total number of initial determinations not to comply with a request for records made under subsection 552(a): 850

There were 680 other FOIA cases in which the requesters were neither given access to nor denied the records sought. None of these cases was regarded as a denial, however, inasmuch as the Agency was either prepared to act upon the request or there proved to be no records to act upon. Accordingly, these 680 have not been included in the 850 figure provided in answer to question No. 1 above. In 249 instances, our searches uncovered no records relevant to the request. In 11 other cases, we found no CIA-originated records, but did locate in our files pertinent documents created by another agency, which were subsequently referred to the agency of origin for review and direct response to the requesters. There were 73 instances in which the information requested was not related to the CIA's activities, and the requester was thus referred to the agency or agencies having cognizance over the records. In 7 cases, requesters appealed on the basis of our failure to respond within the statutory deadline; in another 4 cases, the requesters chose not to exercise their right to administrative appeal and went directly into litigation for the same reason. In each of these instances, therefore, the initial processing of the requests progressed into the Agency's appellate or litigation channels. Seventeen requests were withdrawn by the requesters after processing had commenced, but before action on them could be completed. Finally, 319 cases were canceled by the Agency because of the failure of requesters to respond to letters asking for clarification, additional identifying information, notarized releases from third parties, fee payments, fee deposits, or written commitments that all reasonable search and/or copying fees would be paid, etc. In each of the latter cases, at least 60 days had elapsed without a reply from the requester before action was taken to discontinue processing.

2. Authority relied upon for each such determination:

(a) Exemptions in 552(b):

<u>Exemption involved</u>	<u>Number of times (i.e., requests) invoked</u>
(b) (1)	732
(b) (2)	6
(b) (3)	792
(b) (4)	9
(b) (5)	22
(b) (6)	83
(b) (7)	21
(b) (8)	0
(b) (9)	0

(b) Statutes invoked pursuant to Exemption No. 3:

<u>Statutory citation</u>	<u>Number of times (i.e., requests) invoked</u>
50 U.S.C. 403(d)(3) and/or 50 U.S.C. 403g	792

(c) Other authority: None3. Appeal Determinations:(a) Total number of administrative appeals from adverse initial decisions received in 1986 made pursuant to subsection (a)(6): 95

In six other cases, requests which were initially processed under the provisions of the Privacy Act were processed under the Freedom of Information Act upon appeal, in accord with the wishes of the appellants. These were requests for access to personal records, which the CIA usually processes under the Privacy Act rather than the Freedom of Information Act.

(b) Number of all appeals closed in 1986 in which, upon review, request for information was granted in full: None(c) Number of all appeals closed in 1986 in which, upon review, request for information was denied in full: 73(d) Number of all appeals closed in 1986 in which, upon review, request was denied in part: 224. Authority relied upon for each such appeal determination:(a) Exemptions in 552(b):

<u>Exemption invoked</u>	<u>Number of times (i.e., appeals) invoked</u>
(b) (1)	88
(b) (2)	2
(b) (3)	93
(b) (4)	0
(b) (5)	1
(b) (6)	10
(b) (7)	5
(b) (8)	0
(b) (9)	0

(b) Statutes invoked pursuant to Exemption No. 3:

<u>Statutory citation</u>	<u>Number of times (i.e., appeals) invoked</u>
50 U.S.C. 403(d) (3) and/or 50 U.S.C. 403g	93

5. Names and titles of those persons who, on appeal, were responsible for the denial in whole or in part of records requested and the number of instances or participation of each:

<u>Name</u>	<u>Title</u>	<u>No. of instances of participation</u>
Donnelly, William F.	Deputy Director for Administration	8
Kerr, Richard J.	Deputy Director for Intelligence	21
Hauver, Carroll L.	Inspector General	7
George, Clair E.	Deputy Director for Operations	66
Hineman, Richard E.	Deputy Director for Science and Technology	6

6. Provide a copy of each court opinion or order giving rise to a proceeding under subsection (a)(4)(F), etc.: None7. Provide an up-to-date copy of all rules or regulations issued pursuant to or in implementation of the Freedom of Information Act (5 U.S.C. 552):

Handbook submitted with the 1983 report is still valid.

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8. Provide separately a copy of the fee schedule adopted and the total dollar amount of fees collected for making records available:

See Tab B for a copy of the fee schedule.

The total amount collected and transmitted for deposit in the U.S. Treasury during 1986 was \$4877.20.

9. (a) Availability of records:

As the CIA does not promulgate materials as described in 5 U.S.C. 552(a)(2)(A)-(C), no new categories have been published.

In the case of each request made pursuant to the Freedom of Information Act, all reasonably segregable portions of records are released.

(b) Costs:

A total of 193,269 actual man-hours of labor was devoted during calendar year 1986 to the processing of Freedom of Information Act, Privacy Act, and mandatory classification review requests, appeals, and litigations. Taking into account leave and holidays, this would equate to approximately 107 full-time personnel. We estimate the average grade for professional employees at GS-12/7, and for non-professional employees at GS-07/6. The funds expended during calendar year 1986 on personnel salaries, if overtime payments are ignored, would thus amount to \$3.53 million. If fringe benefits such as retirement and hospitalization are factored in as amounting to 10 percent of the salaries, the total personnel costs come to \$3.9 million. Of this total, approximately \$2.5 million can be attributed to the Freedom of Information Act.

(c) Compliance with time limitations for Agency determinations:

(I) Provide the total number of instances in which it was necessary to seek a 10-day extension of time: None

The Agency's processing backlogs have been such that in almost all instances the deadlines for responding to requests and appeals expired prior to our actually working on them. We were seldom in a position, for that reason, to assert that any of the three conditions upon which an extension must be based existed. We have, accordingly, explained the problem to requesters and appellants and apprised them of their rights under the law.

(II) Provide the total number of instances in which court appeals were taken on the basis of exhaustion of administrative procedures because the Agency was unable to comply with the request within the applicable time limits: 2

Both actions were brought under FOIA.

(III) Provide the total number of instances in which a court allowed additional time upon a showing of exceptional circumstances, together with a copy of each court opinion or order containing such an extension of time: None

(d) Internal Memoranda: None

Production/Workload Statistics

	<u>FOIA</u>	<u>PA</u>	<u>EO*</u>	<u>TOTALS</u>	<u>%</u>
Workload:					
Cases carried over from 1985	941	509	211	1661	(35.0)
Cases logged during 1986	<u>1526</u>	<u>1312</u>	<u>256</u>	<u>3094</u>	(65.0)
Totals	<u>2467</u>	<u>1821</u>	<u>467</u>	<u>4755</u>	
Actions taken:					
Granted in full	279	483	46	808	(22.6)
Granted in part	406	357	170	933	(26.1)
Denied in full	444	167	72	683	(19.1)
No records found	249	401	0	650	(18.2)
No CIA records found	11	5	0	16	(0.4)
Canceled	319	58	3	380	(10.6)
Withdrawn	17	1	0	18	(0.5)
Referred elsewhere	73	7	0	80	(2.2)
Early appeal	7	0	0	7	(0.2)
Early litigation	<u>4</u>	<u>1</u>	<u>0</u>	<u>5</u>	<u>(0.1)</u>
Totals:	<u>1809</u>	<u>1480</u>	<u>291</u>	<u>3580</u>	<u>(100.0)</u>
Cases carried over to 1987	658	341	176	1175	
Change in workload	-283	-168	-35	- 486	(-29.2)

*These are requests processed under the mandatory classification review provision of Executive Order 12356. Most of them are either referrals from the Presidential Libraries or declassification requests from other Federal agencies.

IPD/[redacted] 18 February 1987

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